

4850-8061-6326 / 643-0132

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VICTOR PARADA,

Plaintiff,

NOTICE OF REMOVAL TO  
DISTRICT COURT

-against-

TEWOLDE M. MANNA and ATLANTIC  
EXPRESS FLEET 001,

Defendants.

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Defendants TEWOLDE M. MANNA and 7975104 CANADA, INC., d/b/a ATLANTIC XPRESS, sued herein as ATLANTIC EXPRESS FLEET 001, allege as follows for their notice of removal.

Commencement Of The Action

1. On August 9, 2018, plaintiff commenced a civil action (the action) by filing a summons and complaint in the Supreme Court of the State of New York, Bronx County, under index no. 29278/2018E. Exhibit A. Defendants filed their answer on October 19, 2018. Exhibit B.

Citizenship And Removability

2. At the time plaintiff filed his complaint, and at the time this notice of removal is filed, the citizenship of the parties was, and remains, completely diverse. Plaintiff is a citizen of Bronx County, New York, residing at 645 Borretto Street, Bronx NY, 10474; defendant Tewolde M. Manna is a citizen of Canada, residing at 3330 Aubrey Road, Mississauga Ontario, L5L 5E2; and defendant 7975104 CANADA, INC., d/b/a ATLANTIC XPRESS, sued herein as

ATLANTIC EXPRESS FLEET 001, is a Canadian corporation, having its principal place of business at 3330 Aubrey Road, Mississauga Ontario, L5L 5E2

3. The action was not removable at the time plaintiff's summons and complaint was filed, notwithstanding the complete diversity of citizenship between the parties, because the complaint did not state the total damages to which plaintiff considered himself entitled, in accordance with NY C.P.L.R. Section 3017.

4. On January 15, 2019, plaintiff served defendants with a written demand for damages in the amount of \$20,000,000. Exhibit C. From this demand, defendants first ascertained that the case is one which is removable, pursuant to 28 U.S.C. Section 1446(b)(3).

5. This notice of removal is timely, inasmuch as it is filed within thirty days of the date it became ascertainable that the action is removable, and within one year of the commencement of this action.

6. The action is removed to this court.

Dated: New York, New York  
January 31, 2019

LESTER SCHWAB KATZ & DWYER, LLP  
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New York, New York 10005  
(212) 964-6611  
Attorneys for Defendants  
TEWOLDE M. MANNA and 7975104 CANADA,  
INC., d/b/a ATLANTIC XPRESS, sued herein as  
ATLANTIC EXPRESS FLEET 001,

S/ Jeffrey A. Payne

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Jeffrey A. Payne